

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19-cv-299-MOC-WCM**

DAVID M. THURSTON.,

Plaintiff,

vs.

**AVERY COUNTY SHERIFF'S
OFFICE, et al.,**

Defendants.

ORDER


THIS MATTER comes before the Court on a Motion to Dismiss filed by Defendant Avery County. (Doc. No. 3).

Plaintiff filed this action on October 21, 2019. (Doc. No. 1). Defendant filed the pending motion to dismiss on December 3, 2019. (Doc. No. 3). Plaintiff filed an Amended Complaint on December 17, 2019. (Doc. No. 5). Because Plaintiff has filed an Amended Complaint, the pending motion to dismiss is now moot.

IT IS THEREFORE ORDERED that:

(1) Defendant's Motion to Dismiss, (Doc. No. 3), is terminated as moot.

Signed: January 6, 2020


Max O. Cogburn Jr.
United States District Judge